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Stu Messman  
Department of Ecology  
4350 150th Ave. N.E.  
Redmond, Washington 98052

Dear Mr. Messman:

Enclosed are copies of three letter reports prepared by an EPA contractor following a review of Chem Pro, Inc. closure and waste analysis plans for the facility at Lucille St. and the closure plan for the Pier 91 facility. These reports indicate significant violations at both facilities. This matter is being referred to you for appropriate enforcement action.

The EPA contractor will also be reviewing the waste analysis plan for the Pier 91 facility, and the contingency plans and inspection schedules for both facilities. Upon receipt of review reports, we will transmit them to you. Please maintain all such documents as enforcement confidential and restrict access.

If you have any questions concerning this matter, please contact me at 442-0695, or Andrew Boyd at 442-1254.

Sincerely,

Charles W. Rice, Chief  
RCRA Compliance Section

Enclosures

cc: Earl Tower, WDOE

bcc: K. Feigner

WMB:a.boyd:tg:4730G:12/27/85

USEPA RCRA



3012930

REVIEW OF CLOSURE PLAN FOR THE  
CHEMICAL PROCESSORS, INC. PIER 91 SITE

LETTER REPORT

(EPA Contract No. 68-01-6769, Work Assignment No. 85-429)

SUMMARY

At the request of EPA Region X, GCA has provided a technical review of the closure plan for the storage and process tanks located at the Chemical Processors (Chempro), Inc., Pier 91 site in Seattle, Washington (EPA ID No. WAD000812917). The specific plan reviewed was entitled "Pier 91 Closure Plan". The plan was prepared by Chempro.

GCA reviewed the closure plan relative to requirements of 40 CFR Part 265 Subpart G (Closure, 265.111-265.115; and Post-Closure, 265.117-265.120), Subpart J (Tanks, Closure 265.197), and Subpart Q (Chemical, Physical, and Biological Treatment, Closure 265.404). GCA utilized the expertise of staff regulatory specialists and engineers to cover all aspects of the technical review. A technical adequacy checklist for Chempro's plans is presented in Table 1.

GCA's main criticism of Chempro's closure plan is that it is not sufficiently detailed to determine whether the RCRA Part 265 requirements will be met. It is GCA's opinion that this proposed closure plan is generally unacceptable. Specific deficiencies of the closure plan are summarized below and detailed in the following narrative.

- The closure plan does not describe how wastes will be removed from the facility. The plan simply states that "all materials on site" will be removed at closure. While the concept of a clean closure is generally implied, the plan does not state how and what wastes will be removed from process equipment, how and what equipment will be decontaminated and/or disposed of, and whether onsite soils or ground water will be sampled for contamination. The closure plan must include procedures for meeting the requirements of 265.111, 265.114, 265.197, and 265.404.

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TABLE 1. COMPLETENESS AND TECHNICAL ADEQUACY CHECKLIST FOR  
CLOSURE UNDER 40 CFR PART 265

Regulation	Technical topic	Is this regulation applicable to the facility	Was the regulation addressed	Is the applicant's plan technically adequate	Comments
<u>Subpart G - Closure</u>					
265.110	Facility is considered a hazardous waste management facility.	Yes	N/A	N/A	
265.111	Facility is closed in a manner that minimizes the need for further maintenance and controls, minimizes, or eliminates post-closure release.	Yes	Yes	No	The plan should provide detailed procedures for closure.
265.112(a)	Written closure plan maintained at the facility identifying steps taken to close facility.	Yes	Yes	N/D	GCA did not conduct a site visit but will assume a copy of the closure plan is maintained at the facility.
265.112(a)(1)	Description of how and when facility will be closed.	Yes	Yes	No	The plan does not adequately describe how the facility will be closed.
265.112(a)(2)	Estimate of the maximum inventory of wastes in storage and in treatment.	Yes	Yes	Yes	
265.112(a)(3)	Description of steps taken to decontaminate equipment.	Yes	Yes	No	The plan does not adequately describe decontamination procedures.
265.112(a)(4)	Schedule for closure activities.	Yes	Yes	No	The plan states that this information will be submitted one month prior to actual closing.
265.112(b)	Amendments to closure plan.	Yes	No	N/D	Closure plan did not address this issue.
265.112(c)	Submit closure plan to Regional Administrator.	Yes	Yes	Yes	

(continued)

TABLE 1 (continued)

Regulation	Technical topic	Is this regulation applicable to the facility	Was the regulation addressed	Is the applicant's plan technically adequate	Comments
265.112(d)	Regional Administrator will provide opportunity for public comment.	No	N/A	N/A	
265.113	Time allowed for closure.	Yes	No	N/D	The closure plan does not address this issue.
265.114	Disposal or decontamination of equipment.	Yes	Yes	No	The plan does not describe decontamination procedures.
265.115	Certification of closure.	Yes	No	N/D	The closure plan does not address this regulation.
<u>Subpart J - Tanks</u>					
265.197	Closure	Yes	Yes	No	See comments for 265.114.
<u>Subpart K - Surface Impoundments</u>					
265.228	Closure	No	N/A	N/A	
<u>Subpart L - Waste Piles</u>					
265.258	Closure	No	N/A	N/A	
<u>Subpart M - Land Treatment</u>					
265.280	Closure	No	N/A	N/A	
<u>Subpart N - Landfills</u>					
265.310	Closure	No	N/A	N/A	
<u>Subpart O - Incinerators</u>					
265.351	Closure	No	N/A	N/A	

(continued)

TABLE 1 (continued)

Regulation	Technical topic	Is this regulation applicable to the facility	Was the regulation addressed	Is the applicant's plan technically adequate	Comments
<u>Subpart P - Thermal Treatment</u>					
265.381	Closure	No	N/A	N/A	
<u>Subpart Q - Chemical, Physical and Biological Treatment</u>					
265.404	Closure	Yes	Yes	No	See comments for 265.114.

N/A = Not applicable.

N/D = Not determined.



- The closure plan does not include a schedule for closure as required by 265.112, and which must meet the time limits of 265.113. This schedule is needed to ensure that closure is conducted within a reasonable time period, and to allow monitoring of the progress of closure.
- The closure plan should clarify that closure will be certified by an independent registered professional engineer as required by 265.115, and that the plan will be amended, if necessary, as required by 265.112(b).

#### SITE DESCRIPTION

The Chempro Pier 91 facility is located on Puget Sound, Seattle, Washington. It is a prominent oil treatment and recovery facility and a marine recycling terminal for both industrial and hazardous classes of bilge and ballast wastes. The facility also serves as interim storage for reprocessed material which is shipped via truck, rail, or barge. A portion of this 8,000,000 gallon complex is leased to the Pacific Northern Oil Company and is used as a marine fuel depot.

Pier 91 is mainly a waste oil reclamation facility. Waste oil is rendered reusable by tank treatments such as the separation of impurities and breaking emulsions. Chempro also treats liquid wastes contaminated with low concentration levels of heavy metals, and/or other low concentration hazardous wastes which can be treated and rendered non-hazardous. The maximum capacity of Chempro's operations at Pier 91 is 3.5 million gallons.

Waste is delivered to Pier 91 in tanker trucks and is pumped into the tanks according to the site pumping layout. Storm or rainwater suitable for discharge to the Metro Sewer System is collected by drains connected to the catchment basin. Storm water is processed through an oil/water separator and then discharged to the Metro sewers. Industrial wastewater from the plant is collected and treated on a batch basis. The batch container is sampled after each treatment and the samples are composited and analyzed for applicable pollutants.

It is the intent of Chempro that the Pier 91 facility be operated on a perpetual life basis, in that the processes and activities performed at this facility are of a nature that does not create an end-life to the facility. This Closure Plan was therefore submitted with no fixed closure date.

## DESCRIPTION OF PROPOSED CLOSURE PLAN

The following steps are identified in the closure plan.

1. All materials onsite shall be shipped to either a disposal facility or another reprocessing facility for disposition utilizing the proper manifesting procedures required by RCRA and WAC 173-303.
2. The facility itself shall be converted to an alternate economic use.
3. Six months prior to closure, a definitive schedule would be submitted to the regional administrator as outlined in CFR 265.112(d). [GCA note: 265.112(d) does not address the need for a closure schedule.]
4. One month prior to this date, the closure plan will be updated as to:
  - Scope of closure work
  - Contractor
  - Schedule with dates anticipated for phases of closure
  - Updated cost estimates for closure
  - If deemed necessary, a complete sampling procedure and analysis plan.

## GCA COMMENTS ON THE COMPLETENESS AND TECHNICAL ADEQUACY OF THE PROPOSED CLOSURE PLAN

GCA's main criticism of the closure plan concerns its incompleteness and vagueness. This closure plan does not address the closure regulations in the detail warranted of an adequate closure plan. It is GCA's opinion that this proposed closure plan is generally unacceptable.

Chempro's plan seems to indicate that additional details would be submitted to EPA from 1 to 6 months prior to the actual date of closure. This delay is unwarranted and should not be allowed. The RCRA Part 265 regulations require closure plans to be fully developed by May 19, 1981 for existing facilities. Any delay in developing the plan could result in delays and endangerment to the public health at the time of closure. No rationale was given by Chempro for failing to submit a detailed plan at this time.

The following narrative lists the requirements of 40 CFR Subparts G, J, and Q and identifies the deficiencies of the Pier 91 facility site closure plan.

#### Subpart G - Closure and Post-Closure

##### Closure Performance Standard (265.111)--

This regulation requires that the facility be closed in a manner that minimizes the need for further maintenance and controls, minimizes or eliminates post-closure release. GCA has identified three issues of concern with respect to the general performance standard set forth under 265.111. These issues of concern are outlined below.

- Issue 1    The Chempro Pier 91 closure plan does not provide details concerning the actual process of cleaning the treatment/storage tanks or how the rinsed material from the tanks shall be disposed of. The plan should also discuss decontamination of pipes, pumps, and related equipment.
- Issue 2    The plan does not discuss what equipment, if any, would be removed from the facility for disposal or reuse elsewhere.
- Issue 3    A sampling and analysis plan for the waste treatment and storage areas and any underground pipeline should be included in this closure plan so that a determination of the presence of contaminated soil or ground water can be made.

##### Closure Plan (265.112(a))--

This section requires that a written closure plan, and subsequent revisions be on file at the facility. GCA did not perform a site investigation; however, from available information GCA will assume this requirement is being complied with.

##### Description of How and When Facility Will Be Closed (265.112(a)(1))--

This regulation requires that the closure plan include a description of how and when the facility will be partially closed if applicable, and finally closed. It also requires that the description identify the maximum extent of operation which will remain operable during the life of the facility.



This facility intends on operating on a perpetual life basis, therefore their closure plan does not include a fixed closure date. The entire facility will be operable until closure. Chempro's plan designates closure of the facility by removing "all materials on site", thereby conducting a clean closure.

The lack of a fixed closure date may be allowable considering Chempro's intention to operate the facility for an extended period. However, the lack of detailed closure procedures is unwarranted and should not be allowed. A detailed plan that addresses the performance standard issues raised above should be required of Chempro.

#### Estimate of Maximum Inventory of Wastes (265.112(a)(2))--

This section requires that the owner/operator provide a maximum inventory of wastes in storage and in treatment at any time during the life of the facility. The closure plan states that the maximum inventory of wastes at this facility is 3.5 million gallons. The closure cost estimate indicates the current quantities of each waste type. These data are sufficient for compliance with this standard.

#### Steps to Decontaminate Facility Equipment (265.112(a)(3))--

This regulation requires that the closure plan include a description of the steps needed to decontaminate facility equipment during closure. Other than the washing down of the storage tanks, there is no discussion concerning decontamination of facility equipment. It should be stated in the plan that any equipment (i.e. sumps, pumps, etc.) which contacted the wastewater or sludge will be properly decontaminated. The closure plan also does not discuss how the washwater or wastes removed during the rinsing of the tanks will be collected for disposal upon completion of decontamination. The plan is generally deficient of the requirement of 265.112(a)(3).

Schedule of Closure (265.112(a)(4))--

Chempro's Pier 91 facility closure plan does not contain a schedule of closure as required under this regulation. The plan states that such a schedule would be submitted to EPA 6 months prior to closure. This delay in submitting a schedule is unacceptable and should not be allowed.

Amendments to Closure Plan (265.112(b))--

This regulation lists the situations which would require the closure plan to be amended. No mention is made of amending the closure plan so GCA cannot determine if Chempro intends to follow this regulation.

Submit Plan to Regional Administrator (265.112(c))--

This regulation requires that the closure plan be submitted to the Regional Administrator within certain time limits. It appears that this plan has satisfied those time limits, since the facility does not anticipate closing in the immediate future. However, any new plan required by EPA should also satisfy these time limits.

Regional Administrator will Provide Opportunity for Public Comment (265.112(d))--

This regulation applies to the Regional Administrator, not the owner/operator.

Time Allowed for Closure (265.113)--

This rule states that all hazardous wastes must be removed from the site within 90 days after final receipt of hazardous materials and all closure activities must be completed within 180 days of final receipt. As stated above, Chempro's closure plan does not include a schedule which is needed to show compliance with this rule.

#### Disposal or Decontamination of Equipment (265.114)--

This regulation requires that all equipment and structures be properly disposed of or decontaminated by removing all hazardous waste residues. As previously discussed under 265.112(a)(3), the closure plan should be more specific in the area of equipment disposal or decontamination. It is likely that facility equipment, piping, etc. may require decontamination or disposal. Also, the method of collecting hazardous materials generated during decontamination activities should be described in detail.

#### Certification of Closure (265.115)--

This regulation requires that the owner or operator submit to the Regional Administrator certification by both an independent registered professional engineer and the owner/operator that the facility has been closed in accordance with the approved closure plan.

Chempro's closure plan does not address this issue, however, the closure cost estimate specifies \$1,000 for this purpose. Therefore, it appears that Chempro intends to comply with this rule.

#### Post-Closure Care (265.117-265.120)--

The post-closure regulations were not addressed in the plan because Chempro is proposing a clean closure, and therefore is not subject to these requirements.

#### Subpart J - Tanks

#### Closure (265.197)--

This section requires that all hazardous wastes and residues be removed from tanks, discharge control equipment, and discharge confinement structures. Chempro's plan mentions the removal of hazardous wastes from the tanks, but it does not discuss the removal of wastes or residues from any other section of the facility or from equipment. This issue should be included in the closure plan and discussed in detail.

Subpart Q - Chemical, Physical, and Biological Treatment

Closure (265.404)--

This regulation requires that all hazardous wastes and residues be removed from treatment processes or equipment, discharge control equipment, and discharge confinement structures. Chempro's plan discusses the removal of hazardous wastes from the tanks but it does not discuss the removal of waste or residue from any other section of the facility or the equipment used for processing wastes. This issue should be included in the closure plan and discussed in detail.



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